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DEBRA P. HACKETT, CLERK
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA

Debra P. Hackett
Clerk, U.S. District Court
15 LEE ST STE 206
MONTGOMERY AL 36104-4055

March 04, 2008

Appeal Number: 07-14844-C

Case Style: Hashim Asaad-Muhammed Shabazz v. Houston County
District Court Number: 07-00756 CV-W-S

TO: Debra P. Hackett

CC: Hashim Asaad-Muhammed Shabazz

CC: Warden

CC: Administrative File

CC: Administrative File

United States Court of Appeals

Eleventh Circuit
56 Forsyth Street, N.W.
Atlanta, Georgia 30303

Thomas K. Kahn
Clerk

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The enclosed certified copy of this Court's Order of Dismissal is issued as the mandate of this court.

The district court clerk is requested to acknowledge receipt on the copy of this letter enclosed to the clerk.

Sincerely,

THOMAS K. KAHN, Clerk

Reply To: Deborah Owens/caw (404) 335-180

Encl.

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

2008 MAR 16 A 10:24 AM -4 2008

No. 07-14844-C

DEBRA P. HACKETT
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA
CLERK

HASHIM ASAAD-MUHAMMED SHABAZZ,

Plaintiff-Appellant,

versus

HOUSTON COUNTY JAIL,
HOUSTON COUNTY SHERIFF DEPARTMENT,

Defendants-Appellees.

Appeal from the United States District Court for the
Middle District of Alabama

Before: **BIRCH, DUBINA and MARCUS, Circuit Judges.**

BY THE COURT:

The appellant, in the district court, filed a notice of appeal and a motion to proceed on appeal in forma pauperis. The district court denied in forma pauperis status, certifying that the appeal was frivolous and not taken in good faith. However, the district court did not assess a \$455.00 appellate filing fee, as is now required under the Prison Litigation Reform Act of 1995 (April 26, 1996); see 28 U.S.C. § 1915 (as amended).

Appellant has consented to pay the \$455.00 filing fee, using the partial payment plan described under 28 U.S.C. § 1915 (as amended) and has filed a motion for leave to proceed on appeal. Thus, the only remaining issue is whether the appeal is frivolous. See 28 U.S.C. § 1915(e)(2)(B)(i). This Court now finds that the appeal is frivolous, DENIES leave to proceed, and DISMISSES the appeal.

A TRUE COPY - ATTESTED:
CLERK U.S. COURT OF APPEALS
ELEVENTH CIRCUIT

BY: *Debra P. Hackett*
DEPUTY CLERK
ATLANTA, GEORGIA